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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/181,823

10/29/1998

KENNETH SCOTT RAMEY

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07/16/2004

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DALLAS, TX 75380

EXAMINER

PHAM, BRENDA H

ART UNIT

PAPER NUMBER

2664

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DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/181,823

Applicant(s)

RAMEY, KENNETH SCOTT

Examiner

Brenda Pham

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-4 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This correspondence is in response to the applicant's response filed June 24, 2002. Claims 1-4, 7-9 have been examined.
2. Applicant's arguments with respect to claims 1 and 7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 7-9 are rejected under 35 USC 103(a) as being unpatentable over Christie, IV et al (US 6,324,265), hereinafter referred to as Christie.

-Regarding claims 1 and 7, Christie discloses a distributed system for establishing a voice communication session, the voice communication session being established by executing a series of functions, said distributed system comprising (referring to figure 1A): a client device (104, 106, 111, 113) constituting an originating point of the voice communication session; a plurality of servers (voice mail server 116, e-mail server 117, audio stream server 118) capable to be placed in a data communicative relationship with said client device (104, 106), each server (116, 117, 118) being capable of establishing a data exchange transaction with the client device

(104, 106) to execute a certain function of the communication session, each server being characterized in that it establishes a data exchange transaction with said client device in a manner autonomous from a data exchange transaction between said client device and a different server.

Christie teaches "IP network 100 may also include an electronic mail (e-mail) server 117 for processing e-mail or other messages. Examples of messages include, but are not limited to, e-mail, voice mail, text, audio or visual information, multimedia information, or programming information. A media stream server 118 provides multimedia connections through IP packet network 100 to various sources. A gatekeeper 115 provides and controls services through IP packet network such as call waiting. Other devices may interface IP network 100, such as a device for transmitting video information." (column 3, line 40-53).

Christie does not teach server being characterized in that it establishes a data exchange transaction with said client device in a manner autonomous from a data exchange transaction between said client device and a different server.

Christie however, teaches "Communications devices are thus media independent and may typically process a variety of information such as, for example, voice, multimedia, video, and control or programming signals." (column 3, line 40-53).

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement a client/server that is autonomous from other server, so that both client and server can work in an autonomous, scalable, fault-tolerant and secure manner.

-Regarding claims 2 and 3, a "server", such as that disclosed by Christie, is a computing device including a processor for processing digital data, a memory coupled to processor for storing digital data, an input digitizer coupled to the processor for inputting digital data, an application program stored in memory and accessible by processor and memory for displaying information derived from digital data processed by processor and a plurality of databases.

-Regarding claims 4 and 5, Christie discloses a private branch exchange network (Intranet 100) to permit establishment of internal and external voice communication sessions, said private branch exchange network including (referring to FIG. 1A): a plurality of nodes (router 107, gatekeeper 115, IP-PSTN gateway 101, audio stream server 118, e-mail server 117, voice mail server 116) capable of communicating with one another by exchange of data packets (IP packet) to exchange to establish and conduct a voice communication session; said network including at least one node (IP-PSTN gateway 101) capable of forming a gateway with a PSTN to permit establishment of external voice communication session.

-Regarding claims 6, 8 and 9, Christie teaches that the establishment of a data exchange transaction between said client device and a server comprises the exchange of data packets (request message) between said client device and the server; wherein said data packets are IP data packets (see figure 1A).

**Conclusion**

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Fax to:

(703) 872-9314, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington VA Sixth Floor (Receptionist)


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (703) 308-0148. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is

(703) 305-3900.

Brenda Pham  
July 8, 2004



WELLINGTON CHIN  
SUPERVISORY PATENT EXAMINER  
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